

## GODFREAD LAW FIRM, P.C.

100 South Fifth Street, Suite 1900, Minneapolis, MN 55402

November 29, 2012

**Via ECF**

The Honorable Richard H. Kyle  
772 Federal Building  
316 N. Robert Street  
St. Paul, MN 55101

The Honorable Joan N. Erickson  
12W U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

**Re: Alan Cooper - AF Holdings, LLC and Ingenuity13, LLC**

Dear Judge Kyle and Judge Erickson:

I represent Alan Cooper who is concerned that his name or identity is being used without his consent as the CEO of AF Holdings, LLC, a plaintiff in several cases pending in the District of Minnesota. His name appears in attachments to the pleadings in these cases. Perhaps, the CEO of AF Holdings has the same name as my client, we have substantial information that would indicate that this is not a mere coincidence. I would like to be certain my client is not at risk of liability for the outcome of these cases and others like it and that he is not being made a front for the litigation activities of plaintiffs. I have attempted to contact counsel for AF Holdings and their reaction has not been reassuring.

My client had for several years acted as a caretaker for a Minnesota property owned by an attorney by the name of John Steele. When visiting his property, Steele had on numerous occasions bragged to my client about a plan involving massive copyright litigation in multiple jurisdictions. He also specifically instructed my client to contact him if anyone asked about various corporations, that Cooper was to call him. When Cooper confronted Steele about that, Steele told him not to worry about it. Needless to say, my client was suspicious, but did not know what to make of this situation. Upon learning about the many lawsuits filed by AF Holdings and learning that AF Holdings has a CEO with an identical name he began to investigate further, eventually prompting him to retain counsel.

Steele has filed numerous lawsuits across the country similar to the ones before this court involving copyright infringement over Bittorrent and may be heavily involved in the cases filed here by AF Holdings. Steele has appeared on behalf of AF Holdings in at least one case (see Ex. A). Steele also shares an office address (161 N. Clark Street, Chicago, IL 60601) with the office listed on the website of plaintiff's counsel ([www.wefightpiracy.com](http://www.wefightpiracy.com)) (see Ex. B and C). Steele's former law firm, Steele Hansmeier, appears to be the predecessor firm to Prenda Law and used the same domain name (see Ex. D - a screenshot of a cached copy of Steele's law firm Steele Hansmeier at [www.wefightpiracy.com](http://www.wefightpiracy.com) in February 2011) Steele Hansmeier has also represented Ingenuity 13, which also appears to have a similar case pending here (0:12-cv-02686-RHK-JJG) which apparently also has a manager named Alan Cooper. (See Ex. E, page 8). From these exhibits, it is also clear that attorney Dugas shares a phone number with attorney Gibbs of Steele Hansmeier (415-325-5900).

Hon. Richard H. Kyle and Hon. Joan N. Ericksen  
November 29, 2012  
Page Two

When investigating this matter and calling the number listed on the wefightpiracy.com website, I confirmed that Steele is currently "of counsel" with Prenda Law. I called and emailed local counsel, Michael Dugas to give notice of representation and to find out if there was in fact a different Alan Cooper with AF Holdings. Within an hour after giving notice to Prenda Law and local counsel of my representation, Steele himself called my client several times in a row and asked if he had been talking to attorneys in Minnesota. Because I had not yet heard from attorneys Dugas or Steele, I looked for an alternative phone number for attorney Dugas and found a different number than the one that appears on the pleading (312-880-9160, See Ex. F). This number appears as attorney Steele's number in Exhibit A as well. Calling that number, I heard a voicemail message which said "Prenda Law." I again left a message, but have received no response. Because I have received no response from Dugas or Steele, and because Steele has contacted my client, my suspicions are now increased.

Today, I received an email from another attorney from Prenda Law, Paul Duffy, suggesting that their client, AF Holdings, probably would not volunteer information. I reasserted my request to confirm that there was another Alan Cooper at AF Holdings. Shortly before sending this letter, Duffy emailed me again and said that I should not contact his office again.

My client would like certainty that his identity is not being used without his knowledge and against his will as the would be CEO of AF Holdings, LLC or as a manager of Ingenuity13, LLC. Because both are Nevis based companies, discovering the true officers or directors is at best difficult. I have attempted to contact plaintiffs' attorneys, but have not received a response that would allow me to advise my client that he should not be concerned.

I respectfully request leave to file a motion to intervene and to seek discovery regarding the true identity of AF Holdings, LLC's CEO and Ingenuity 13, LLC's manager, Alan Cooper.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Godfread", with a stylized flourish at the end.

Paul Godfread

#### Exhibits

cc: John Steele, Esq. (via email)  
Paul Duffy, Esq. (via email)  
Michael Dugas (via ECF)

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF COLUMBIA**

**AF HOLDINGS LLC,**

**Plaintiff,**

**v.**

**DOES 1 – 1058,**

**Defendants.**

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Case : 1:12-cv-00048**

**Judge : Hon. Beryl A. Howell**

**MOTION FOR PRO HAC VICE ADMISSION OF JOHN L. STEELE**

I, Paul A. Duffy, hereby move pursuant to Local Civil Rule 83.2(d) for the *pro hac vice* admission of John L. Steele to the bar of this Court to act as co-counsel in this action. Mr. Steele is of counsel with the firm of Prenda Law, Inc., and is a member in good standing of the bar of the State of Illinois and the U.S. District Court for the Northern District of Illinois. On the basis of the foregoing, it is respectfully requested that this Court admit Mr. Steele *pro hac vice* for the purpose of appearing and participating as co-counsel on behalf of Plaintiff, AF Holdings, Inc., in this action.

Dated: April 20, 2012

Respectfully submitted,

By: /s/ Paul A. Duffy

Paul A. Duffy (D.C. Bar # IL0014 )  
Prenda Law Inc.  
161 N. Clark Street, Suite3200  
Chicago, IL 60601  
Telephone: (312) 880-9160  
Facsimile: (312) 893-5677  
Attorneys for Plaintiff,  
AF Holdings LLC

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on April 20, 2012, I caused a true and correct copy of the foregoing Motion For Pro Hac Vice Admission to be electronically filed with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

Dated: April 20, 2012

/s/ Paul A. Duffy

Paul A. Duffy



7. I do not engage in the practice of law from an office located in the District of Columbia. I am not a member of the District of Columbia bar, nor do I have an application for membership pending.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: April 20, 2012

/s/ John Steele

John Steele  
Prenda Law Inc.  
161 N. Clark St., Suite 3200  
Chicago, IL 60601  
Telephone: (312) 880-9160  
Facsimile: (312) 893-5677



11/27/12

Chicago Divorce Lawyer, Child Support Attorney, Child Custody Lawyers, Family Law Attorneys - Ste...

## STEELE LAW FIRM

PHONE: 312-893-5888 | TOLL-FREE: 1-800-DIVORCE  
(IN NORTHERN ILLINOIS)MAKE A FRESH START  
TURN OVER A NEW LEAF

Steele Law Home Attorney Profile Steele Law Firm Overview Practice Areas Divorce and Family Law Resources Contact Us

Divorce And Family Law  
Child Custody  
Child Support  
Modification & Enforcement  
Collaborative Divorce & Mediation  
Prenuptial & Postnuptial Agreements  
Spousal Support / Maintenance  
Domestic Violence & Orders of Protection  
Adoption  
Bankruptcy

**STEELE LAW FIRM, LLC**  
Phone: 312-893-5888 Toll-Free (in Northern Illinois):  
1-800-DIVORCE

**Office Locations:**

**Downtown Chicago**  
161 N Clark St., Suite 3200  
Chicago, IL 60601

**Naperville**  
2135 CityGate Ln, Suite 300  
Naperville, IL 60563

## WELCOME TO THE STEELE LAW FIRM, LLC with Offices in Chicago, IL.

### Family Law • Bankruptcy • Divorce • Child Custody Child Support • Prenuptial Agreements

If you are going through a divorce, or if your financial troubles are leading you to consider bankruptcy, you now have the opportunity to take a situation that isn't working out and make it better.

All of our clients have unique personal problems that they need help with. We are in the business of solving those problems, whether they be related to family law matters, such as divorce, child custody or child support, or consumer bankruptcy matters. Contacting a lawyer can be the first step toward taking hold of your future and building a better life.

**If you are looking for an attorney who will do what it takes to get you relief from your legal concerns, contact us to schedule a free initial consultation about your case.**

### Quality Legal Assistance in Illinois

The Steele Law Firm is one of Chicagoland's premier family law and consumer bankruptcy law firms. Our attorneys and staff are committed to providing high quality, accessible, compassionate service to our clients. We give each client and case the individual attention they deserve, and do everything in our power to reach our clients' overall needs and goals.

Our main office is located in the Loop in downtown Chicago, and we also have an office location in the Chicago suburb of Naperville. We represent clients with matters in Cook County, DuPage County, Kane County, Lake County, and Will County family courts, and the Northern, Southern and Central Districts of Illinois federal bankruptcy courts.

Whether you are looking for an advocate in a divorce proceeding, need help enforcing a child support order, want to know whether Chapter 7 or Chapter 13 bankruptcy is better for you, you need the advice and assistance of a skilled, experienced Illinois attorney to help you protect all of your legal rights.

Give us a call today at (312) 893-5888 or 1-800-DIVORCE (in Northern Illinois) or **contact us** to learn more about how we can help you or to set up a FREE consultation.

### Rate Information:

Fixed Hourly Rates  
Fixed Flat Fees Available  
**FREE Consultation**

### We Accept Major Credit Cards

- Visa
- MasterCard
- American Express
- Discover

### We Can Assist You With:

- Matrimonial Law
- Family Law
- Divorce
- Domestic Relations
- Dissolution of Marriage and Legal Separation
- Litigation in Trial Courts
- Negotiated Settlements
- Alternative Dispute Resolution, such as Collaborative Law and Mediation
- Appeals to Reviewing Courts
- Financial Discovery and Analysis
- Property Division
- Retirement Benefits
- Qualified Domestic Relations Orders (QDROs)
- Paternity
- Adoption



11/27/12

Chicago Divorce Lawyer, Child Support Attorney, Child Custody Lawyers, Family Law Attorneys - Ste...

- Child Custody, including Joint Custody and Sole Custody
- Child Visitation
- Child Support
- Child Abductions
- Maintenance, formerly known as Alimony
- Spousal Support
- Marital Settlement Agreements
- Premarital Agreements
- Postnuptial Agreements
- Annulments
- Domestic Violence
- Post-Decree and Post-Judgment Issues and Modifications
- Restraining Orders
- Separation Agreements

**We are a debt relief agency.**

DISCLAIMER: This web site does not constitute an attorney/client relationship and this website does not give legal advice

11/27/12

Prenda Law INC.

[About the Firm](#)[Firm Resources](#)[Attorneys](#)

**PRENDA LAW INC.**  
Intellectual Property Attorneys

[Practice Areas](#)[Giving](#)[Case Samples](#)

## DISCLAIMER

The information provided on Prenda Law, Inc.'s website is not intended to be legal advice, but merely conveys general information related to legal issues commonly encountered. This information is not intended to create any legal relationship between Prenda Law, Inc. Intellectual Property Attorneys or any attorney and the user. Neither the transmission nor receipt of these website materials will create an attorney-client relationship between sender and receiver.

The information is not guaranteed to be correct, complete, or current. We make no warranty, expressed or implied, about the accuracy or reliability of the information at this website or at any other website to which this site is linked.

Please note that recovery results vary per client. The recovery amounts in each case reflect the specific facts of that case. Further, recovery amounts in past cases are not a guarantee of future results.

There are no photos of clients on this website. Photos used on this website have been purchased from stock photography companies.

This website is not intended to create and does not create an attorney-client relationship between the user and Prenda Law, Inc. Intellectual Property Attorneys. An attorney-client relationship with us cannot be formed by reading the information at this website. The only way to become our client is through a mutual agreement in a formal letter. This website is not soliciting clients and does not propose any type of transaction. You should not act or rely on any information at this website without seeking the advice of an attorney. The determination of whether you need legal services and your choice of a lawyer are very important matters that should not be based on websites or advertisements.

THIS SITE IS PROVIDED ON AN "AS IS", "AS AVAILABLE" BASIS AND PRENDA LAW INC. EXPRESSLY DISCLAIMS ALL WARRANTIES, INCLUDING THE WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, AND NONINFRINGEMENT.

PRENDA LAW DISCLAIMS ALL RESPONSIBILITY FOR ANY LOSS, INJURY, CLAIM, LIABILITY, OR DAMAGE OF ANY KIND RESULTING FROM, ARISING OUT OF OR ANY WAY RELATED TO (A) ANY ERRORS IN OR OMISSIONS FROM THIS SITE AND ITS CONTENT, INCLUDING BUT NOT LIMITED TO TECHNICAL INACCURACIES AND TYPOGRAPHICAL ERRORS, (B) ANY THIRD PARTY WEBSITES OR CONTENT THEREIN DIRECTLY OR INDIRECTLY ACCESSED THROUGH LINKS IN THIS SITE, INCLUDING BUT NOT LIMITED TO ANY ERRORS IN OR OMISSIONS THEREFROM, (C) THE UNAVAILABILITY OF THIS SITE OR ANY PORTION THEREOF, (D) YOUR USE OF THIS SITE, OR (E) YOUR USE OF ANY EQUIPMENT OR SOFTWARE IN CONNECTION WITH THIS SITE.

## PERSONAL INFORMATION SUBMITTED TO THE WEBSITE

Any information that you send us in an email message might not be confidential or privileged. Prenda Law, Inc. makes effort to protect personal information submitted by users of the website, including through the use of firewalls and other security measures on our servers. However, no server is 100 percent secure, and you should take this into account when submitting personal or confidential data about yourself on any website, including this one.

Additionally, while the website does not gather your name, email address or similar information about you without your knowledge or consent, the website does permit you to voluntarily submit data about yourself so that we can provide you with requested services. The information gathered will be incorporated into our mailing database and will not be sold to third parties for marketing purposes. At your request, we will remove your personal information from our files.

If you are interested in having us represent you, you should call us so we can determine whether the matter is one for which we are willing or able to accept professional responsibility. We will not make this determination by email communication.

The telephone numbers for our office are listed in this website. We reserve the right to decline any representation. We may be required to decline representation if it would create a conflict of interest with our other clients.

## PRACTICE JURISDICTIONS

Prenda Law, Inc. is an Illinois law firm. Always directly confirm with the individual attorney whom you contact whether he or she practices the type of law with which you need assistance in your jurisdiction.

11/27/12

Prenda Law INC.

**TERMS OF USE MAY BE MODIFIED BY THE FIRM**

Prenda Law, Inc. periodically changes, adds, or updates the material in this website without notice. Prenda Law, Inc. assumes no liability or responsibility for any errors or omissions in the contents of this website. Your use of this website is at your own risk. Under no circumstances shall Prenda Law, Inc. or any other party involved in the creation, production or delivery of this website be liable to you or any other person for any indirect, special, incidental, or consequential damages of any kind arising from your access to, or use of, this website.

**THIRD-PARTY WEBSITES**

This website may occasionally contain links to third party websites for the convenience of our users. Prenda Law, Inc. does not endorse any of these third party sites and does not intend to imply any association between the firm and the party(ies) involved. Furthermore, Prenda Law, Inc. does not control these third party websites and cannot represent that their policies and practices will be consistent with these Terms of Use. If you use any links to websites not maintained by Prenda Law, Inc., you do so at your own risk. Prenda Law, Inc. is not responsible for the contents or availability of any linked sites. These links are provided only as a convenience to the recipient.

**LEGAL AND ETHICAL REQUIREMENTS**

Prenda Law, Inc. has tried to comply with all legal and ethical requirements in compiling this website. We do not want to represent clients based on their review of any portion of this website that does not comply with legal or ethical requirements.

To the extent that the professional responsibility rules of any jurisdiction require us to designate a principal office or an attorney responsible for this website, Prenda Law, Inc. designates its office in 161 N Clark St., Suite 3200, Chicago, IL 60601 and its telephone number as (312) 880-9160.

**STATE ADVERTISING DISCLAIMERS**

**Alabama:** No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers.

**Colorado:** Colorado does not certify attorneys as specialists in any field.

**Florida:** The hiring of a lawyer is an important decision that should not be based solely upon advertisements. Before you decide, ask us to send you free written information about our qualifications and experience.

**Illinois:** Unless otherwise stated, our attorneys claiming certification in an area of law are not certified by the Illinois Board of Legal Specialization.

**Iowa:** The determination of the need for legal services and the choice of a lawyer are extremely important decisions and should not be based solely upon advertisements or self-proclaimed expertise. This disclosure is required by rule of the Supreme Court of Iowa.

**NOTICE TO THE PUBLIC:** Memberships and offices in legal fraternities and legal societies, technical and professional licenses, and memberships in scientific, technical and professional associations and societies of law or field of practice do not mean that a lawyer is a specialist or expert in a field of law, nor do they mean that such a lawyer is necessarily any more expert or competent than any other lawyer. All potential clients are urged to make their own independent investigation and evaluation of any lawyer being considered. This notice is required by rule of the Supreme Court of Iowa.

**Kentucky and Oregon:** THIS IS AN ADVERTISEMENT.

**Mississippi:** The Mississippi Supreme Court advises that a decision on legal services is important and should not be based solely on advertisements.

**Missouri:** Neither the Supreme Court of Missouri nor the Missouri Bar reviews or approves certifying organizations or specialist designations.

**Nevada:** The State Bar of Nevada does not certify any lawyer as a specialist or expert.

**New Mexico:** LAWYER ADVERTISEMENT.

**Tennessee:** None of the attorneys in this firm are certified as a Civil Trial, Criminal Trial, Business Bankruptcy, Consumer Bankruptcy, Creditor's Rights, Medical Malpractice, Legal Malpractice, Accounting Malpractice, Estate Planning or Elder Law specialist by the Tennessee Commission on Continuing Legal Education and Specialization. Certification as a specialist in all other listed areas is not currently available in Tennessee.

**Wyoming:** The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise.

**LAWYER'S LISTINGS**

The information in the directory of lawyers is provided by the listees. Prenda Law, Inc. does not warrant the validity of the information, nor does it guarantee the quality of the work product.

The determination of the need for legal services and the choice of a lawyer are extremely important decisions and should not be based solely upon advertisements or self-proclaimed expertise. Prenda Law, Inc. does not review the contents of the listings, which are provided by the listees or any links; Prenda Law, Inc. is not responsible for any material or information contained in the linked sites or provided by listees.

A description or indication of limitation of practice by a lawyer does not mean that any agency or board has certified such lawyer as a specialist or expert in any indicated field of law practice, nor does it mean that such lawyer is necessarily any more expert or competent than any other lawyer.

All potential clients are urged to make their own independent investigation and evaluation of any lawyer being considered.

**OWNERSHIP, LICENSE & RESTRICTIONS ON USE**

As between Prenda Law, Inc. and you, all right, title and interest (including all copyrights, trademarks and other intellectual property rights) in this website belongs to Prenda Law, Inc., its licensors, or listees. In addition, the names, images, pictures, logos and icons identifying Prenda Law, Inc. products and services in many countries are proprietary marks of Prenda Law, Inc. and/or its subsidiaries or affiliates. Except as expressly provided below, nothing contained herein shall be construed as conferring any license or right, by implication, estoppel or otherwise, under copyright or other intellectual property rights.

11/27/12

Prenda Law INC.

You are hereby granted a nonexclusive, nontransferable, limited license to view and use information retrieved from this website provided solely for your personal, informational, non-commercial purposes, and provided you do not remove or obscure the copyright notice or other notices. Except as expressly provided above, no part of this website, including but not limited to materials retrieved there from and the underlying code, may be reproduced, republished, copied, transmitted, or distributed in any form or by any means. In no event shall materials from this website be stored in any information storage and retrieval system without prior written permission from Prenda Law, Inc. Intellectual Property Attorneys.

Use, duplication, or disclosure by or for the United States Government is subject to the restrictions set forth in DFARS 252.227-7013 (c)(1)(ii) and FAR 52.227-19.

## LIMITATION OF LIABILITY

A covered party (as defined below) shall not be liable for any direct, indirect, incidental, special, or consequential damages of any kind whatsoever (including, without limitation, attorneys' fees and lost profits or savings) in any way due to, resulting from, or arising in connection with this site, including its content, regardless of any negligence of any covered party. "Covered party" means Prenda Law, Inc., its affiliates, its listees, and any officer, director, employee, subcontractor, agent, successor, or assign Prenda Law, Inc., its affiliates, and its listees.

## GOVERNING LAWS IN CASE OF DISPUTE; JURISDICTION

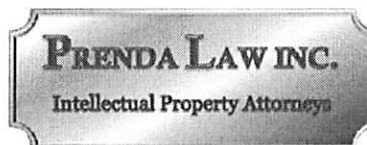
These Terms of Use shall be governed by and construed in accordance with the laws of the State of Illinois, USA, as they apply to agreements made and solely performed therein. Disputes arising hereunder shall be exclusively subject to the jurisdiction of the federal courts of the United States of America and/or the state courts of Illinois and jurisdiction therefore shall rest solely in Illinois, USA.

## ENTIRE AGREEMENT; SEVERABILITY

These Terms of Use incorporate by reference any notices contained on this Site and constitute the entire agreement with respect to your access to and use of this Site. If any provision of these Terms and Conditions is unlawful, void or unenforceable, then that provision shall be deemed severable from the remaining provisions and shall not affect their validity and enforceability.

Material available in Prenda Law, Inc. website is protected by copyright law.

Prenda Law, Inc. All rights reserved.



[Home](#) | [About the Firm](#) | [Firm Resources](#) | [Attorneys](#) | [Practice Areas](#) | [Giving](#) | [Case Samples](#) | [Terms of Service](#)

© 2012 Copyright 2011 Prenda Law Inc. All Rights Reserved.

You may reproduce materials available at this site for your own personal use and for non-commercial distribution. All copies must include the above copyright notice.  
ATTORNEY ADVERTISING DISCLAIMER. The contents of this website should not be construed as legal advice on any specific fact or circumstance. Its content was prepared by Prenda Law Inc. (an Illinois law firm organized as a limited liability company with its principal office at 161 North Clark Street, Suite 3200, Chicago, Illinois 60601, Ph 1-800-380-0840) for general information purposes only. Your receipt of such information does not create an attorney-client relationship with Prenda Law Inc. or any of its lawyers. You should not act or rely on any of the information contained here without seeking professional legal advice. Prior results referred to in these materials do not guarantee or suggest a similar result in other matters. Prenda Law Inc.'s lawyers are licensed in Illinois and a limited number of other jurisdictions. They and the Firm cannot file actions in all states without associating locally licensed attorneys and/or becoming admitted in that jurisdiction for a limited purpose.  
Prenda Law Inc. lawyer responsible for the contents of this website is Paul Duffy.

11/28/12

Steele | Hansmeier PLLC

INTERNET ARCHIVE waybackmachine	http://wefightpiracy.com/	Go	JAN	FEB	MAR	Close
	1 captures 7 Feb 11 - 7 Feb 11		2010	2011	2012	Help

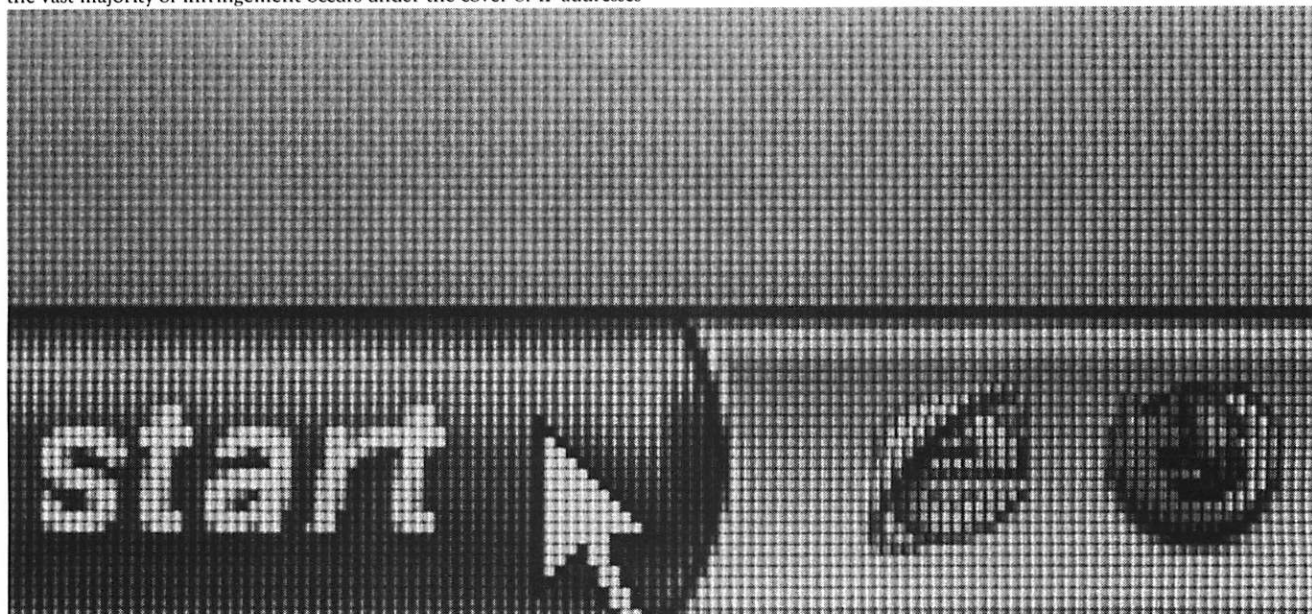
**STEELE | HANSMEIER**

- [Home](#)
- [About Us](#)
- [Services](#)
- [Contact Us](#)
- [Disclaimer](#)

- **Steele | Hansmeier Jun 19, 2010** Steele | Hansmeier PLLC is a law firm dedicated to eradicating digital piracy. We represent prominent content producers and commence legal action against individuals and businesses who steal our client's content.



- **Combating Piracy in the Digital Age Jun 19, 2010** Our practice includes addressing the unique legal issues posed by Internet-based piracy, where the vast majority of infringement occurs under the cover of IP addresses



- **Preserving the Creative Arts Jun 19, 2010** We view our mission as preserving the creative arts for future generations. If left unchecked, digital piracy represents an existential threat to creative arts professionals around the world.



11/28/12

Steele | Hansmeier PLLC



- Steele | Hansmeier



- Combating Piracy in the Digital Age



- Preserving the Creative Arts



[Contact Us](#)

## About Us

Steele | Hansmeier PLLC is a Chicago-based law firm that provides legal services to content producers and creative professionals. Our focus is pursuing individuals and businesses who infringe on the copyrights associated with our clients' creative works. Our practice includes addressing the unique legal issues posed by Internet-based piracy, where the vast majority of infringement occurs under the cover of Internet Protocol ("IP") addresses.

We view our mission as a small part of the overall effort to preserve the creative arts for future generations. In our view, the ease with which digital content is pirated represents an existential threat to the future of professional content producers. Our clients understand all too well the problems posed by the unauthorized redistribution of their copyrighted works, particularly given the capital investment associated with producing and marketing professional works.

## Services

The legal services offered by Steele | Hansmeier PLLC reflect the lifecycle of a creative work. Such services include:

- Due diligence efforts to determine whether a proposed creative work lacks originality or infringes on another creative work;
- Developing a plan for protecting and enforcing U.S. and international copyrights;
- Securing U.S. copyrights and coordinating with third parties to secure international copyrights in both Berne and non-Berne Convention countries; and
- Enforcing U.S. copyrights and coordinating with third parties to enforce international copyrights.

Many of our services involve coordinating with third party attorneys (e.g. international copyright work) and third party technology providers (e.g. copyright enforcement). Our consistent focus is to provide our clients with strong returns on the capital they invest in our time and that of our third party service providers.

[top](#)

## Due Diligence

Before investing substantial capital into the production and/or distribution of a creative work, a creative artist may wish to conduct a basic level of due

[web.archive.org/web/20110207181155/http://wefightpiracy.com/](http://web.archive.org/web/20110207181155/http://wefightpiracy.com/)

Exhibit B  
Pg 2 of 4

2/4

11/28/12

Steele | Hansmeier PLLC

diligence into determining the degree to which their work resembles other copyrighted creative works. The methods for conducting this sort of due diligence vary based on the medium, through most forms of creative work lend themselves to digital due diligence. For example, an audio file can be digitally fingerprinted based on a variety of characteristics (e.g. rhythm, length, melody, etc.). This fingerprint can be compared to those of other audio files. Similar results would then be reviewed to determine whether a copyright issue exists. If such an issue exists, then the creative artist can attempt to obtain a license from the copyright holder of the original work. A creative artist's bargaining power is much stronger before they invest millions of dollars into marketing and distributing a creative work.

In 2008, Joe Satriani filed a copyright infringement lawsuit against the Grammy Award-winning band, Coldplay. Satriani's suit alleged that Coldplay's hit song, *Vida la Vida*, contained substantial portions of Satriani's, *If I Could Fly*. The parties eventually reached an out-of-court monetary settlement for an undisclosed financial sum.

In addition to avoiding infringement lawsuits, it is important to know whether a given creative work will even be afforded the protection of the copyright laws of the jurisdictions in which the artist intends to market the creative work. Steele | Hansmeier PLLC offers services to assist creative artists in conducting the forms of due diligence described in this section.

## Protection Planning

Another category of services offered by Steele | Hansmeier PLLC is assisting creative artists plan their copyright strategy in advance of the creation and/or publication of their creative works. Despite the existence of international treaties, such as the Berne Convention, the world as a whole essentially remains a patchwork of copyright laws with varying degrees of enforcement. By way of example, a creative artist's approach to copyright protection in the United States should look much different than the artists approach to copyright protection in China. We offer to assist creative artists in developing copyright protection strategies worldwide.

## Securing Copyrights

Once a creative work has been produced and/or published, it is generally important to register a copyright in every country where the copyright holder may wish to assert their rights. We offer to assist creative artists by coordinating the registration of their copyrights around the world, as required.

In the United States it is particularly important to register one's copyrights. As a general rule, copyright registration is a prerequisite to filing a copyright infringement lawsuit in U.S. federal court and a timely filing will preserve remedies that may be lost indefinitely if one does not timely register his or her copyright.

## Enforcing Copyrights

Copyright enforcement is a rapidly evolving field. Recent advances in communications technology have dramatically lowered the cost and increased the profitability of mass-piracy. As piracy evolves, so too must copyright enforcement strategies. Steele | Hansmeier PLLC offers services on the cutting edge of copyright enforcement, including: 1) DMCA enforcement services; 2) pirate pursuit services; and 3) advising on comprehensive paradigm shifts in copyright enforcement.

## Disclaimer

Our website is intended to provide only an overview of Steele | Hansmeier PLLC. Nothing on this website is meant to be or should be relied on as legal advice. Commentary on this website is not necessarily up to date. This website is not intended to be an offer to represent you, nor is it intended to establish an attorney client privilege.

### Links

[Berne Convention](#)  
[Copyright Office](#)  
[Copyright Overview](#)  
[Copyright Statutes](#)  
[Creative Commons](#)

### Resources

[Patry Blog](#)  
[Geist Blog \(Canadian law\)](#)  
[JP Watch](#)

### Pages

- [About Us](#)
- [Contact Us](#)
- [Disclaimer](#)
- [Services](#)

11/28/12

Steele | Hansmeier PLLC

## Latest News

### Google fights piracy



According to an article published on Digital Trends, Google is taking steps to implement several anti-piracy measures, which will ideally make it more difficult for searchers to located pirated material. First, Google is increasing its responsiveness to takedown requests of so-called "reliable copyright holders." Second, its autocomplete function will filter out greater amounts of infringing results. [...]

### Pixar's president discusses copyright laws



According to a recently published article in the Salt Lake Tribune, Ed Catmull, president of Pixar Studios, linked international copyright protection to Pixar's ability to continue investing in the cutting-edge technology that's brought us such movies as Wall-E, Monster's, Inc., and Up - all of which are presumably registered trademarks of Pixar Animation Studios. At [...]

### Robin Hood is the week's most pirated movie



Ridley Scott's Robin Hood, starring Russell Crowe and Cate Blanchett, is not only popular in the theaters, but also among the BitTorrent crowd. According to BitTorrent news site, TorrentFreak, Robin Hood, despite its relatively lower IMDB rating, beat out both Iron Man 2 and the Expendables for the the top spot on the piracy chart [...]

© Copyright Steele | Hansmeier PLLC - Design by [Kriesi.at - Wordpress Themes](#)

- [RSS](#)
- [Facebook](#)
- [Twitter](#)
- [flickr](#)

[top](#)



1 Brett L. Gibbs, Esq. (SBN 251000)  
2 Steele Hansmeier PLLC.  
3 38 Miller Avenue, #263  
4 Mill Valley, CA 94941  
5 415-325-5900  
6 [blgibbs@wefightpiracy.com](mailto:blgibbs@wefightpiracy.com)

7 *Attorney for Petitioner*

8  
9  
10 IN THE UNITED STATES DISTRICT COURT FOR THE  
11  
12 EASTERN DISTRICT OF CALIFORNIA  
13  
14

15 In the Matter Of a Petition By )  
16 )  
17 )  
18 )  
19 )  
20 )  
21 )  
22 )  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

INGENUITY13 LLC,

No.

Judge:

**VERIFIED PETITION TO  
PERPETUATE TESTIMONY**

1. Petitioner Ingenuity13 LLC by and through its undersigned attorney, hereby petitions this Court for an order pursuant to Federal Rule of Civil Procedure 27 authorizing the issuance of subpoenas *duces tecum* to the Internet Service Providers ("ISPs") listed on Exhibit A to this petition.

2. Petitioner is limited liability company organized and existing under the laws of the Federation of Saint Kitts and Nevis. Petitioner produces adult entertainment content and this content is being unlawfully reproduced and distributed over the Internet via the BitTorrent file transfer protocol. An individual or individuals wrongfully reproduced and distributed Petitioner's copyrighted works via the BitTorrent protocol in violation of Petitioner's exclusive rights under United States Copyright Act, 17 U.S.C. §§ 101, *et seq.* Petitioner anticipates bringing a civil action against the person or persons engaging in such unlawful activity. This action would be cognizable in a United States court as United States courts have exclusive jurisdiction over copyright actions. Without knowing the identity or identities of the anonymous infringers, Petitioner has no means to

1 name and serve the individual or individuals in an action with summons and complaint. The purpose  
2 of this petition is to ascertain these identity or identities.

3           3.       Petitioner seeks the name, address, telephone number, e-mail address and  
4 Media Control Access number of each account holder associated with the Internet Protocol ("IP")  
5 addresses listed on Exhibit B to this petition. Each of the IP addresses was identified by Petitioner's  
6 agents as being associated with infringing activity on the corresponding dates and times listed on  
7 Exhibit B. The reasons to perpetuate the testimony are multiple. First, without this information  
8 Petitioner has no means to name and serve a complaint on the infringing parties. Second, on  
9 information and belief, this information is destroyed in the regular course of business and will be  
10 unavailable to Petitioner after it is destroyed. An example of an ISP's data retention policy is shown  
11 as Exhibit C. Finally, under the Cable Communications Policy Act, 47 U.S.C. § 551(c)(2)(B), a court  
12 order is necessary to discover an account holder's identity.

13           4.       The names and addresses of the person or persons whom Petitioner expects to  
14 be adverse parties are unknown to Petitioner. The individual or individuals responsible for infringing  
15 Petitioner's works are known to Petitioner only by an IP address—a number that is assigned to  
16 devices, such as computers, that are connected to the Internet. Petitioner used geolocation to trace  
17 the IP addresses of the expected adverse party or parties to a point of origin within the State of  
18 California.

19           5.       The name and address of each responding party is set forth on Exhibit A to  
20 this petition. Petitioner is seeking the name, address, telephone number, e-mail address and Media  
21 Control Access number of each account holder associated with the Internet Protocol ("IP") addresses  
22 listed on Exhibit B to this petition.

#### 23                               FACTUAL ALLEGATIONS

24           6.       Petitioner is the owner of the copyright for the motion picture set forth in  
25 Exhibit D to this petition.

26           7.       As set forth below, Petitioner has actionable claims for direct and contributory  
27 copyright infringement and a claim for civil conspiracy against the individual or individuals who  
28

1 engaged in infringing activities via the IP addresses set forth on Exhibit B hereto based on the  
2 parties' use of the BitTorrent protocol to illegally reproduce and distribute Petitioner's work(s).

3 **A. The Unknown Infringers used BitTorrent to Infringe Petitioner's Copyrights**

4 8. BitTorrent is a modern file sharing method ("protocol") used for distributing  
5 data via the Internet. BitTorrent protocol is a decentralized method of distributing data. Instead of  
6 relying on a central server to distribute data directly to individual users, the BitTorrent protocol  
7 allows individual users to distribute data among themselves by exchanging pieces of the file with  
8 each other to eventually obtain a whole copy of the file. When using the BitTorrent protocol, every  
9 user simultaneously receives information from and transfers information to one another.

10 9. The BitTorrent protocol is an extremely popular method for transferring data.  
11 A group of individuals transferring data among one another (the "swarm") will commonly include  
12 peers from many, if not every, state in the United States and several countries around the world. And  
13 every peer in the swarm participates in distributing the file to dozens, hundreds, or even thousands of  
14 other peers.

15 10. The BitTorrent protocol is also an extremely popular method for unlawfully  
16 copying, reproducing, and distributing files in violation of the copyright laws of the United States. A  
17 broad range of copyrighted albums, audiovisual files, photographs, software, and other forms of  
18 media are available for illegal reproduction and distribution via the BitTorrent protocol.

19 11. Efforts at combating BitTorrent-based copyright infringement have been  
20 stymied by BitTorrent's decentralized nature. Because there are no central servers to enjoin from  
21 unlawfully distributing copyrighted content, there is no primary target on which to focus anti-piracy  
22 efforts. Indeed, the same decentralization that makes the BitTorrent protocol an extremely robust and  
23 efficient means of transferring enormous quantities of data also acts to insulate it from anti-piracy  
24 measures.

25 12. The infringing parties in this action were all observed using the BitTorrent  
26 protocol to unlawfully reproduce and distribute Plaintiff's copyrighted work by exchanging pieces  
27 with one another either directly or via a chain of data distribution.

**B. Each infringer installed a BitTorrent Client on his or her computer**

13. The individual or individuals associated with the infringing activity installed a BitTorrent Client onto his or her computer(s). Normal commercial computers do not come pre-loaded with BitTorrent software. Each infringer must have separately installed on their respective computers special software that allows peer-to-peer sharing of files by way of the Internet. The infringers use software known as BitTorrent clients. Among the most popular BitTorrent clients are Vuze (formerly Azureus),  $\mu$ Torrent, Transmission and BitTorrent 7, although many others are used as well.

14. Once installed on a computer, the BitTorrent "Client" serves as the user's interface during the process of uploading and downloading data using the BitTorrent protocol.

**C. The Initial Seed, Torrent and Tracker**

15. A BitTorrent user who wants to upload a new file, known as an "Initial Seeder," starts by creating a "torrent" descriptor file using the client he or she installed onto his or her computer. The Client takes the target computer file, the "initial seed," in this case, one of the copyrighted Works, and divides it into identically sized groups of bits known as "pieces." The Client then gives each one of the computer file's pieces, in this case, pieces of one of the copyrighted works, a random and unique alphanumeric identifier known as a "hash" and records these hash identifiers in the torrent file.

16. When another peer later receives a particular piece, the hash identifier for that piece is compared to the hash identifier recorded in the torrent file for that piece to test whether the piece is free of errors. In this way, the hash identifier works like an electronic fingerprint to identify the source and origin of the piece and ensure that the piece is authentic and uncorrupted.

17. Torrents files also have an "announce" section, which specifies the Uniform Resource Locator ("URL") of a "tracker" and an "info" section, containing (suggested) names for the files, their lengths, the piece length used, and the hash identifier for each piece, all of which are used by the Client on peer computers to verify the integrity of the data they receive. The "tracker" is a computer or set of computers that a torrent file specifies and to which the torrent file provides

1 peers with the URL address(es). The tracker computer or computers direct a peer user's computer to  
2 another peer user's computer that have particular pieces of the file, in this case, one of the copyright  
3 Works on them, and facilitates the exchange of data among the computers. Depending on the  
4 BitTorrent Client, a tracker can either be a dedicated computer (centralized tracking) or each peer  
5 can act as a tracker (decentralized tracking).

6 **D. Torrent Sites**

7 18. "Torrent Sites" are websites that index torrent files that are currently being  
8 made available for copying and distribution by the people using the BitTorrent protocol. There are  
9 numerous torrent websites, such as [www.torrentz.eu](http://www.torrentz.eu) or [thepiratebay.org](http://thepiratebay.org).

10 19. Upon information and belief, each infringer went to a torrent site to upload  
11 and download one of the Petitioner's copyrighted Works.

12 **E. Uploading and Downloading a Work Through a BitTorrent Swarm**

13 20. Once the initial seeder has created a torrent and uploaded it onto one or more  
14 torrent sites, then other peers begin to download and upload the computer file to which the torrent is  
15 linked (here, one of the copyright Works) using the BitTorrent Client that the peers installed on their  
16 computers.

17 21. The BitTorrent protocol causes the initial seed's computer to send different  
18 pieces of the computer file, here, one of the copyrighted Works, to the peers who are seeking to  
19 download the computer file. Once a peer receives a piece of the computer file, it starts transmitting  
20 that piece to other peers. In this way, all of the peers and seeders are working together in what is  
21 called a "swarm."

22 22. Here, each infringing peer member participated in a swarm through digital  
23 handshakes, the passing along of computer instructions, uploading and downloading, and by other  
24 types of transmissions.

25 23. In this way, and by way of example only, one initial seeder can create a  
26 torrent that breaks a movie up into hundreds of piece saved in the form of a computer file, like the  
27 Works here, upload the torrent file onto a torrent site, and deliver a different piece of the computer

1 file to each of the peers. The receiving peers then automatically begin delivering the piece they just  
2 received to the other peers in the same swarm.

3 24. Once a peer, here an infringer, has downloaded the full file, the BitTorrent  
4 Client reassembles the piece and the peer is able to view the video. Also, once a peer has  
5 downloaded a full file, that peer becomes known as "an additional seed" because it continues to  
6 distribute the torrent file which, in this case, was one of the copyrighted Works.

7 **F. Petitioner's Computer Investigators Identified Each Infringer's IP Address as an**  
8 **Infringer of Petitioner's Copyright Works**

9 25. Petitioner retained 6881 Forensics, LLC ("6881") to identify the IP addresses  
10 used by the individual or individuals that were misusing the BitTorrent protocol to unlawfully  
11 distribute Petitioner's copyrighted Work.

12 26. 6881 used forensic software, "BitTorrent Auditor" to audit a swarm for the  
13 presence of infringing transactions.

14 27. 6881 extracted the resulting data gathered from the investigation, reviewed the  
15 evidence logs, and isolated the transactions and the IP addresses associated with the copyrighted  
16 work listed on Exhibit D hereto.

17 28. The IP addresses and hit dates contained on Exhibits B accurately reflects  
18 what is contained in the evidence logs and show that:

19 (A) Each infringer copied a piece of one of Petitioners copyrighted work;

20 and

21 (B) Each infringer was part of a BitTorrent swarm.

22 29. 6881's technician analyzed each BitTorrent "piece" distributed by the IP  
23 addresses listed on Exhibit B and verified that each piece consisted of part of the copyrighted work.

24 30. In order for petitioner to be able to take appropriate action to protect its  
25 copyrighted work under 17 U.S.C. §§ 101, *et seq*, petitioner must be authorized issuance of  
26 subpoenas *duces tecum* to the ISPs listed on Exhibit A to this petition.

27 31. No prior application has been made for the relief sought herein.

1 WHEREFORE, petitioner requests that an order be made and entered directing that petitioner  
2 may compel the production of documents to the extent of determining the name, current (and  
3 permanent) addresses, telephone numbers, e-mail addresses and Media Access Control addresses of  
4 the person or persons whose IP addresses are listed in Exhibit B from the ISPs listed on Exhibit A  
5 for the purposes of determining the true identity of unknown infringers. To further support its  
6 Petition, Petitioner attaches as Exhibit F its Memorandum of Law in Support of Petitioner's Verified  
7 Petition to Perpetuate Testimony.

8  
9  
10 Respectfully Submitted,

11 Ingenuity13 LLC,

12 **DATED: October 28, 2011**

13 By: /s/ Brett L. Gibbs, Esq.

14 Brett L. Gibbs, Esq. (SBN 251000)  
15 Steele Hansmeier PLLC.  
16 38 Miller Avenue, #263  
17 Mill Valley, CA 94941  
18 415-325-5900  
19 blgibbs@wefightpiracy.com  
20 *Attorney for Plaintiff*  
21  
22  
23  
24  
25  
26  
27  
28

**NOTARIZED VERIFICATION**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Verified Petition is, to the best of my knowledge, true and correct.

**DATED: October 28, 2011**

/S/ Alan Cooper  
Alan Cooper, Manager of Ingenuity 13 LLC

I, Brett L. Gibbs, Esq., hereby confirm per Eastern District of California Local Rule 131(f) that counsel for Plaintiff has a signed original notarized version of the above Verified Petition.

**DATED: October 28, 2011**

By: /s/ Brett L. Gibbs, Esq.

Brett L. Gibbs, Esq. (SBN 251000)  
Steele Hansmeier PLLC.  
38 Miller Avenue, #263  
Mill Valley, CA 94941  
415-325-5900  
blgibbs@wefightpiracy.com  
*Attorney for Plaintiff*



Skip to Main Content Logout My Account Search Menu New Civil Search Refine Search Back

Location: All MNCIS Sites - Case Search Help

**REGISTER OF ACTIONS****CASE No. 27-CV-12-17079****Guava LLC vs CenturyLink Inc**

Case Type: **Civil Other/Misc.**  
 Date Filed: **08/10/2012**  
 Location: **- Hennepin Civil**  
 Judicial Officer: **Steenon DuFresne, Mary E.**

**PARTY INFORMATION****Defendant CenturyLink Inc**

**Lead Attorneys**  
**DAVID EARLE CAMAROTTO**  
*Retained*  
 612-333-3000(W)

**Plaintiff Guava LLC**

**MICHAEL KEVIN DUGAS**  
*Retained*  
 312-880-9160(W)

**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

08/10/2012 **Motion**  
 08/20/2012 **Notice of Case Assignment** (Judicial Officer: Steenson DuFresne, Mary E. )  
 09/24/2012 **Proposed Document**  
 09/24/2012 **Certificate of Representation**  
 09/24/2012 **Memorandum**  
 09/24/2012 **Affidavit-Other**  
 09/24/2012 **Affidavit of Service**  
 09/27/2012 **Notice of Appearance**  
 09/27/2012 **Notice of Appearance**  
 09/27/2012 **Motion**  
 09/27/2012 **Responsive Motion**  
 09/28/2012 **Order-Other**  
 09/28/2012 **Notice of Appearance**  
 10/01/2012 **Motion Hearing** (9:15 AM) (Judicial Officer Steenson DuFresne, Mary E.)  
 Result: Held  
 10/01/2012 **Taken Under Advisement** (Judicial Officer: Steenson DuFresne, Mary E. )  
 10/12/2012 **Correspondence**  
 10/15/2012 **Correspondence**  
 10/29/2012 **Telephone Motion Hearing** (9:30 AM) (Judicial Officer Steenson DuFresne, Mary E.)  
 Result: Held  
 10/29/2012 **Order Granting Motion** (Judicial Officer: Steenson DuFresne, Mary E. )

**FINANCIAL INFORMATION**

**Defendant CenturyLink Inc**  
 Total Financial Assessment 422.00  
 Total Payments and Credits 422.00  
 Balance Due as of 11/29/2012 0.00

09/25/2012 Transaction Assessment 322.00  
 09/25/2012 E-File Electronic Payment Receipt # EP27C-2012-12417 CenturyLink Inc (322.00)  
 09/25/2012 Transaction Assessment 100.00  
 09/25/2012 E-File Electronic Payment Receipt # EP27C-2012-12420 CenturyLink Inc (100.00)

**Plaintiff Guava LLC**  
 Total Financial Assessment 622.00  
 Total Payments and Credits 622.00  
 Balance Due as of 11/29/2012 0.00

08/20/2012 Transaction Assessment 422.00  
 08/21/2012 Mail Payment Receipt # 1227-2012-19301 Prenda Law Inc (422.00)  
 09/27/2012 Transaction Assessment 100.00  
 09/27/2012 E-File Electronic Payment Receipt # EP27C-2012-12743 Guava LLC (100.00)  
 09/28/2012 Transaction Assessment 100.00  
 09/28/2012 E-File Electronic Payment Receipt # EP27C-2012-12816 Guava LLC (100.00)

**Exhibit** F  
**Pg** 1 **of** 1